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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,967	01/09/2002	Andrew J. Bernoth	BLD920010010US1 (14550)	6679
7590 11/01/2005			EXAMINER	
Steven Fischman, Esq. Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			ADHAMI, MOHAMMAD SAJID	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,967	BERNOTH, ANDREW J.	
	Examiner	Art Unit	
	Mohammad S. Adhami	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specifications do not adequately disclose how the method/system/device of claims 1,6, and 11 operate. In the specifications on page 4 lines 7 and 8, the pre-written filters are identified as a substitute for the specifically written filter. However, on page 4 lines 27 and 28, the specification states, "the pre-written filter file and the new specific filter file are loaded onto the router." These passages of the specifications appear to be contradictory.

The process of matching the pre-written filter files with the specifically written filter as claimed in claims 2,3,7,8, and 12 is not defined in the specifications, nor is a pre-defined test for carrying out this process.

The predefined set of criteria in claims 4,9, and 14 is not supported in the specifications.

Searching for identified defined features as recited in claims 5,10, and 15 is not supported in the specifications.

Claim Objections

3. Claims 10 and 14 are objected to because of the following informalities: Claim 10 shows dependence on claim 1, but should be dependent on claim 6. In claim 14, line 3, the word “predefines” should be “predefined”. Appropriate correction is required.
4. The following examination is made on the assumption that claim 10 is dependent on claim 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel (US App 2005/0125195) in view of Labovitz (US App 2003/0037136).
Re claims 1,2,3,6,7,8,11,12, and 13:

Brendel discloses (Re claim 1) “providing a router filter written specifically for the router” (Paragraph [0140] “the set of filters on the router”), “running a program on a computer” (Paragraph [0013] “It is an object of the present invention to provide a method, apparatus and/or software product for network

communication security”), (Re claim 1,2, and 3) to identify a filter that matches another filter (Paragraph [0140] “The third step is to find the set of filters on the router that most closely matches the filter request” where the matching process is according to a “pre-defined test”), and (Re claim 1) “loading said one of the pre-written filters onto the router” (Paragraph [0150] “The last step is to translate the filter request, which is the request to filter out the identified SPSS, into the actual commands for implementation of that filter on the router” where translating the request loads the filter onto the router).

Brendel does not explicitly disclose “providing a set of pre-written router filters within one or more files” and substituting for a specifically written filter.”

Labovitz discloses (Re claim 1) “providing a set of pre-written router filters within one or more files” (Paragraph [0018] “the at least one control signal is a route entry stored in a memory”) and substituting for a specifically written filter” (Paragraph [0018] “the at least one control signal is a route update” where in a route update, an older route entry is substituted for another route entry).

Brendel and Labovitz are analogous because they both pertain to routers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brendel as discussed above as taught by Labovitz in order to make the routers be able to compensate for changes in the network.

Re claims 4,9, and 14:

Brendel discloses “running the program on the computer to identify which one of the pre-written filters most closely matches the specifically written filter

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according to a predefined set of criteria" (Paragraph [0053] "The modules each evaluate data received and may implement filters to redirect or block particular packets dependent on the result of the evaluation and according to predetermined criteria").

Re claims 5, 10, and 15:

Brendel discloses "identifying defined features of the [filter] and searching the [filters] for the identified defined features" (Paragraph [0147] "if multiple matches exist for a given device, the row in which most of the filter vector fields are matched is selected" where the matches are for "features" of the "specifically written filter" and a match is made after a search of the "pre-written filters").

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Venkatachary (US 6,212,184) and Varghese (US 6,449,256) show storing routing tables. Hong (US App 2004/0213233) shows comparing routing entries with a routing table and forming a routing table.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad S. Adhami whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSA 10/28/2005

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized flourish at the end.

JOHN PEZZLO
PRIMARY EXAMINER